IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.8666/02
Surendra Singh Vs. The Superintendent, S.M.S. Hospital, Jaipur

06.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Smt. Poornima Sharma for petitioner.
Shri B.L. Awasthi, Addl. GA for respondent.

This writ petition has been filed with the prayer that the respondent be directed to provide some place within the premises of the S.M.S. hospital in front of BMRC for setting up a milk dairy pursuant to permission earlier granted by the respondents vide letter dated 18.4.2002.

Contention of the learned counsel for the petitioner is that acting on the permit so granted, he obtained the licence from Jaipur Dairy and was now prepared to set up the dairy booth in the hospital. Thus

the respondent is bound by the doctrine of promissory and cannot now be allowed to go back from their promise.

Shri B.L. Awasthi, the learned Addl. GA has invited my attention to the letter dated 16.11.2002 which was addressed to the learned counsel for the petitioner in response to the notice for demand of justice in which it was informed that the permission dated 18.4.2002 was granted to the petitioner keeping in view the facts and circumstances of that time, but since the petitioner did not immediately set up the dairy booth, the Rajasthan Medical Relief Society in the meeting of its execution committee in the meantime decided to ask the Jaipur Dairy itself to set up the milk booth and canteen. Such milk booth and canteen have already been established by Jaipur Dairy by investing huge money on the infrastructure etc. and is presently running successfully.

In the facts and circumstances of the case and particularly in the light of the explanation given by the respondents, I do not find it to be a fit case where the mandamus should be issued requiring the respondent to provide a place to the petitioner within the hospital premises for setting up a dairy booth.

The writ petition being devoid of merit is therefore dismissed with no order as to costs.

RS/ **(Mohammad Rafiq),J.**